

Message Text

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PASS BOEKER/EB AND FELDMAN/L; COMMERCE FOR KATZ/BIEPR AND
PETERSON/BDC; TREASURY FOR GRIFFIN; LABOR FOR AVERY;
NEW DELHI FOR H. BLACKMAN

E.O. 11652: NA
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SUBJ: ILO DRAFT DECLARATION OF PRINCIPLES CONCERNING MULTINATIONAL
ENTERPRISES AND SOCIAL POLICY

REF: GENEVA 2483

1. SUMMARY. ILO DRAFTING GROUP SUCCESSFULLY COMPLETED DECLARA-
TION OF PRINCIPLES ON MULTINATIONAL ENTERPRISES AND SOCIAL POLICY
TO BE CONSIDERED BY TRIPARTITE PLENARY MEETING APRIL 4-7. TEXT
SUBSTANTIALLY PROTECTS US AND MNC INTERESTS. USDEL RESERVED
US POSITION ON PARA 2 IN TEXT WHICH INCLUDED LANGUAGE ON NEW
INTERNATIONAL ECONOMIC ORDER PENDING RECEIPT OF INSTRUCTIONS FROM
WASHINGTON. NO RECOMMENDATIONS ON FOLLOWUP PROCEDURES INCLUDED
IN REPORT OF DRAFTING GROUP TO TRIPARTITE PLENARY GROUP.
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END SUMMARY.

2. DRAFTING GROUP SUCCESSFULLY COMPLETED AD REFERENDUM DRAFT OF
TRIPARTITE DECLARATION OF PRINCIPLES CONCERNING MULTINATIONAL
ENTERPRISES AND SOCIAL POLICY FOR CONSIDERATION APRIL 4-7 BY
PLENARY OF THE TRIPARTITE ADVISORY GROUP. DRAFT DECLARATION REP-
RESENTS CONSENSUS DOCUMENT OF THE DRAFTING GROUP WITH EACH SIDE
PLEDGED TO SUPPORT TEXT IN PLENARY. US RESERVED POSITION ONLY
WITH RESPECT TO PARA 2 PENDING RECEIPT OF INSTRUCTION FROM WASH-
INGTON (SEE REFTTEL).

3. TEXT IN OUR VIEW REPRESENTS SUBSTANTIAL ACHIEVEMENT GIVEN COMPLEXITY OF DOCUMENT, TIME CONSTRAINTS AND NEED TO RECONCILE OFTEN SHARPLY CONFLICTING VIEWS OF TRIPARTITE GROUP. AS A DOCUMENT WHICH REPRESENTS SUBSTANTIAL GIVE AND TAKE ON ALL SIDES, WE BELIEVE THAT BASIC US AND MNC INTERESTS PROTECTED. UNLESS UNEXPECTED SNAGS DEVELOP, WE EXPECT THAT DRAFT TEXT OF DECLARATION WILL BE REFERRED TO GOVERNING BODY BUT WILL NOT BE CONSIDERED UNTIL ITS NOVEMBER MEETING.

4. TEXT APPROVED BY DRAFTING GROUP IS A NEATER VERSION OF THE TEXT PRODUCED BY THE SECOND SESSION OF THE DRAFTING GROUP. USDEL SUCCESSFUL IN ADDRESSING VIRTUALLY ALL THE SUBSTANTIVE ISSUES RAISED BY INTERAGENCY GROUP AND INCLUDED IN POSITION PAPER (SEE, FOR EXAMPLE, PARA 12). IN PARTICULAR, CARE WAS TAKEN TO CONFORM LANGUAGE OF TEXT TO THE PROVISIONS OF VARIOUS ILO CONVENTIONS AND RECOMMENDATIONS, ESPECIALLY IN THE SECTION ON INDUSTRIAL RELATIONS (PARAS 40-58). THE MAJOR NEW PROVISIONS ARE A REFERENCE TO THE NEW INTERNATIONAL ECONOMIC ORDER (PARA 2), A REFERENCE TO LOCAL PROCESSING OF RAW MATERIALS IN DEVELOPING COUNTRIES (PARA 20), AND DISCLOSURE OF INFORMATION COLLECTED BY GOVERNMENTS (PARA 55). MOST OF THE OTHER CHANGES IN THE TEXT RESULT FROM THE REARRANGEMENT OF VARIOUS PARAGRAPHS.

5. ONE SPECIAL PROBLEM OF CONCERN WAS APPARENT DESIRE OF LABOR GROUP FOR CONSIDERATION OF FOLLOWUP PROCEDURES REGARDLESS OF UNCLASSIFIED

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WHETHER DRAFT DECLARATION IS USED BY UN IN ITS CODE. ALTHOUGH POINT WAS DISCUSSED THOROUGHLY, NO FORMAL DECISIONS WERE TAKEN BY MEETING. USDEL POINTED OUT THAT TERMS OF REFERENCE PRECLUDED CONSIDERATION OF THIS POINT BY THE DRAFTING GROUP. IN THIS WE WERE SUPPORTED BY SOME REPRESENTATIVES OF THE EMPLOYER GROUP. ONE REPRESENTATIVE OF EMPLOYER GROUP AND UK GOVERNMENT REPRESENTATIVE FAVORED INDEPENDENT ILO ACTION. PRESUMABLY THIS ISSUE WILL BE DISCUSSED BY TRIPARTITE MEETING. HOWEVER, FINAL DECISION AS TO FOLLOWUP PROCEDURES, IF ANY, WILL BE TAKEN BY GOVERNING BODY.

6. VERBATIM TEXT FOLLOWS.

BEGIN TEXT.

DRAFT

TRIPARTITE DECLARATION OF PRINCIPLES CONCERNING MULTINATIONAL ENTERPRISES AND SOCIAL POLICY SUBMITTED BY THE WORKING GROUP

1. MULTINATIONAL ENTERPRISES PLAY AN IMPORTANT PART IN THE ECONOMIES OF MOST COUNTRIES AND IN INTERNATIONAL ECONOMIC RELATIONS. THIS IS OF INCREASING INTEREST TO GOVERNMENTS AS WELL AS TO EMPLOYERS AND WORKERS AND THEIR RESPECTIVE ORGANISATIONS. THROUGH INTERNATIONAL DIRECT INVESTMENT AND OTHER MEANS, SUCH ENTERPRISES CAN BRING SUBSTANTIAL BENEFITS TO HOME AND HOST COUNTRIES BY CON-

TRIBUTING TO THE EFFICIENT UTILISATION OF CAPITAL, TECHNOLOGY AND LABOUR. WITHIN THE FRAMEWORK OF DEVELOPMENT POLICIES ESTABLISHED BY GOVERNMENTS, THEY CAN ALSO MAKE AN IMPORTANT CONTRIBUTION TO THE PROMOTION OF ECONOMIC AND SOCIAL WELFARE; TO THE IMPROVEMENT OF LIVING STANDARDS AND THE SATISFACTION OF BASIC NEEDS; TO THE CREATION OF EMPLOYMENT OPPORTUNITIES, BOTH DIRECTLY AND INDIRECTLY; AND TO THE ENJOYMENT OF BASIC HUMAN RIGHTS, INCLUDING FREEDOM OF ASSOCIATION, THROUGHOUT THE WORLD. ON THE OTHER HAND, THE

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ADVANCES MADE BY MULTINATIONAL ENTERPRISES IN ORGANIZING THEIR OPERATIONS BDYOND THE NATIONAL FRAMEWORK MAY LEAD TO ABUSE OF CONCENTRATIONS OF ECONOMIC POWER AND TO CONFLICTS WITH NATIONAL POLICY OBJECTIVES AND WITH THE INTEREST OF THE WORKERS. IN ADDITION, THE COMPLEXITY OF MULTINATIONAL ENTERPRISES AND THE DIFFICULTY OF CLEARLY PERCEIVING THEIR DIVERSE STRUCTURES, OPERATIONS AND POLICIES SOMETIMES GIVE RISE TO CONCERN EITHER IN THE HOME OR IN THE HOST COUNTRIES OR IN BOTH.

2. THE AIM OF THIS TRIPARTITE DECLARATIONS OF PRINCIPLES IS TO ENCOURAGE THE POSITIVE CONTRIBUTION WHICH MULTINATIONAL ENTERPRISES CAN MAKE TO ECONOMIC AND SOCIAL PROGRESS AND TO MINIMIZE AND RESOLVE THE DIFFICULTIES TO WHICH THEIR VARIOUS OPERATIONS MAY GIVE RISE, TAKING INTO ACCOUNT THE UNITED NATIONS RESOLUTIONS ADVOCATING THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC
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ORDER. DESIGNATE THE VARIOUS ENTITIES (PARENT COMPANIES OR LOCAL ENTITIES OR BOTH OR THE ORGANIZATION AS A WHOLE) ACCORDING TO THE DISTRIBUTION OF RESPONSIBILITIES AMONG THEM, IN THE EXPECTATION THAT THEY WILL CO-OPERATE AND PROVIDE ASSISTANCE TO ONE ANOTHER AS NECESSARY TO FACILITATE OBSERVANCE OF THE PRINCIPLES LAID DOWN IN THIS DECLARATION.

7. THIS DECLARATION SETS OUT PRINCIPLES IN THE FIELDS OF EMPLOYMENT, TRAINING, CONDITIONS OF WORK AND LIFE AND INDUSTRIAL RELATIONS WHICH GOVERNMENTS, EMPLOYERS' AND WORKERS' ORGANIZATIONS AND MULTINATIONAL ENTERPRISES ARE RECOMMENDED TO OBSERVE ON A VOLUNTARY BASIS; ITS PROVISIONS SHALL NOT LIMIT OR OTHERWISE AFFECT OBLIGATIONS ARISING OUT OF RATIFICATION OF ANY CONVENTION.

GENERAL POLICIES

8. ALL THE PARTIES CONCERNED BY THIS DECLARATION SHOULD RESPECT THE SOVEREIGN RIGHTS OF STATES, OBEY THE NATIONAL LAWS AND REGULATIONS, GIVE DUE CONSIDERATION TO LOCAL PRACTICES AND RESPECT RELEVANT INTERNATIONAL STANDARDS. THEY SHOULD RESPECT THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE CORRESPONDING INTERNATIONAL COVENANTS ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS AS WELL AS THE CONSTITUTION OF THE INTERNATIONAL LABOR ORGANIZATION AND ITS PRINCIPLES ACCORDING TO WHICH FREEDOM OF EXPRESSION AND ASSOCIATION ARE ESSENTIAL TO SUSTAINED PROGRESS. THEY SHOULD ALSO HONOR COMMITMENTS WHICH THEY HAVE ENTERED INTO, IN CONFORMITY WITH THE NATIONAL LAW AND ACCEPTED INTERNATIONAL OBLIGATIONS.

9. GOVERNMENTS WHICH HAVE NOT YET RATIFIED CONVENTIONS NOS. 87, 98, 111 AND 122 ARE URGED TO DO SO AND IN ANY EVENT TO APPLY, TO THE GREATEST EXTENT POSSIBLE, THROUGH THEIR NATIONAL POLICIES, THE PRINCIPLES EMBODIED THEREIN AND IN RECOMMENDATIONS NOS. 111, 119 AND 122. WITHOUT PREJUDICE TO THE OBLIGATION OF GOVERNMENTS TO ENSURE COMPLIANCE WITH CONVENTIONS THEY HAVE RATIFIED, IN UNCLASSIFIED

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COUNTRIES IN WHICH THE CONVENTIONS AND RECOMMENDATIONS CITED IN THIS PARAGRAPH ARE NOT COMPLIED WITH ALL PARTIES SHOULD REFER TO THEM FOR GUIDANCE IN THEIR SOCIAL POLICY.

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10. MULTINATIONAL ENTERPRISES SHOULD TAKE FULLY INTO ACCOUNT ESTABLISHED GENERAL POLICY OBJECTIVES OF THE COUNTRIES IN WHICH THEY OPERATE; THEIR ACTIVITIES SHOULD BE IN HARMONY WITH THE DEVELOPMENT PRIORITIES AND SOCIAL AIMS AND STRUCTURE OF THE COUNTRY IN WHICH THEY THEY OPERATE. TO THIS EFFECT, CONSULTATIONS SHOULD BE HELD BETWEEN MULTINATIONAL ENTERPRISES, THE GOVERNMENT AND, WHEREVER APPROPRIATE, THE NATIONAL EMPLOYERS' AND WORKERS' ORGANISATIONS CONCERNED.

11. THE PRINCIPLES LAID DOWN IN THIS DECLARATION DO NOT AIM AT INTRODUCING OR MAINTAINING INEQUALITIES OF TREATMENT BETWEEN MULTINATIONAL AND NATIONAL ENTERPRISES. THEY REFLECT GOOD PRACTICE FOR ALL. MULTINATIONAL AND NATIONAL ENTERPRISES, WHEREVER THE PRINCIPLES OF THIS DECLARATION ARE RELEVANT TO BOTH, SHOULD BE SUBJECT TO THE SAME EXPECTATIONS IN RESPECT OF THEIR CONDUCT IN GENERAL AND THEIR SOCIAL PRACTICES IN PARTICULAR. EVERY STATE HAS THE RIGHT TO PRESCRIBE THE CONDITIONS UNDER WHICH MULTINATIONAL ENTERPRISES OPERATE WITHIN ITS NATIONAL JURISDICTION, IN ACCORDANCE WITH INTERNATIONAL LAW AND THE UNCLASSIFIED

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INTERNATIONAL AGREEMENTS TO WHICH IT HAS SUBSCRIBED.

12. GOVERNMENTS OF HOME COUNTRIES SHOULD PROMOTE GOOD SOCIAL PRACTICE IN ACCORDANCE WITH THIS DECLARATION OF PRINCIPLES, HAVING REGARD TO THE SOCIAL AND LABOUR LAW, REGULATIONS AND PRACTICES IN HOST COUNTRIES AS WELL AS TO RELEVANT INTERNATIONAL STANDARDS. THEY SHOULD BE PREPARED TO HAVE CONSULTATIONS WITH HOST COUNTRY GOVERNMENTS AT THE LATTERS' REQUEST.

EMPLOYMENT

EMPLOYMENT PROMOTION

13. WITH A VIEW TO STIMULATING ECONOMIC GROWTH AND DEVELOPMENT, RAISING LIVING STANDARDS, MEETING MANPOWER REQUIREMENTS AND OVERCOMING UNEMPLOYMENT AND UNDER-EMPLOYMENT, GOVERNMENTS SHOULD DECLARE AND PURSUE, AS A MAJOR GOAL, AN ACTIVE POLICY DESIGNED TO PROMOTE FULL, PRODUCTIVE AND FREELY-CHOSEN EMPLOYMENT.

14. THIS IS PARTICULARLY IMPORTANT IN THE CASE OF HOST COUNTRY GOVERNMENTS IN DEVELOPING AREAS OF THE WORLD WHERE THE PROBLEMS OF UNEMPLOYMENT AND UNDER-EMPLOYMENT ARE AT THEIR MOST SERIOUS. IN THIS CONNECTION, THE CONCLUSIONS ADOPTED BY THE TRIPARTITE WORLD CONFERENCE ON EMPLOYMENT, INCOME DISTRIBUTION AND SOCIAL PROGRESS AND THE INTERNATIONAL DIVISION OF LABOUR (GENEVA, JUNE 1976) SHOULD BE KEPT IN MIND.

15. PARAGRAPHS 13 AND 14 ABOVE ESTABLISH THE FRAMEWORK, WITHIN WHICH DUE ATTENTION SHOULD BE PAID, IN BOTH HOME AND HOST COUNTRIES TO THE EMPLOYMENT IMPACT OF MULTINATIONAL ENTERPRISES.

16. MULTINATIONAL ENTERPRISES, PARTICULARLY WHEN OPERATING IN DEVELOPING COUNTRIES, SHOULD MAKE A MAJOR EFFORT TO INCREASE EMPLOYMENT OPPORTUNITIES, TAKING INTO ACCOUNT THE EMPLOYMENT UNCLASSIFIED

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POLICIES AND OBJECTIVES OF THE GOVERNMENTS, AS WELL AS SECURITY OF EMPLOYMENT, HAVING REGARD TO THE LONGTERM DEVELOPMENT OF THE ENTERPRISE.

17. BEFORE STARTING OPERATIONS, MULTINATIONAL ENTERPRISES SHOULD, WHEREVER APPROPRIATE, CONSULT THE COMPETENT AUTHORITIES AND THE NATIONAL EMPLOYERS' AND WORKERS' ORGANISATIONS IN ORDER TO KEEP THEIR MANPOWER PLANS, AS FAR AS PRACTICABLE, IN HARMONY WITH NATIONAL SOCIAL DEVELOPMENT POLICIES. SUCH CONSULTATION SHOULD CONTINUE BETWEEN THE MULTINATIONAL ENTERPRISES AND ALL PARTIES CONCERNED, INCLUDING THE WORKERS AND THEIR ORGANISATIONS.

18. MULTINATIONAL ENTERPRISES SHOULD GIVE PRIORITY TO THE EMPLOYMENT, DEVELOPMENT AND PROMOTION OF NATIONALS OF THE HOST COUNTRY AT ALL LEVELS, IN CO-OPERATION, AS APPROPRIATE, WITH REPRESENTATIVES OF THE WORKERS EMPLOYED BY THEM OR OF THE ORGANISATIONS OF THESE WORKERS AND GOVERNMENTAL AUTHORITIES.

19. MULTINATIONAL ENTERPRISES, WHEN INVESTING IN DEVELOPING COUNTRIES, SHOULD HAVE REGARD TO THE IMPORTANCE OF USING TECHNOLOGIES WHICH GENERATE EMPLOYMENT, BOTH DIRECTLY AND INDIRECTLY. TO THE EXTENT PERMITTED BY THE NATURE OF THE PROCESS AND THE CONDITIONS PREVAILING IN THE ECONOMIC SECTOR CONCERNED, THEY SHOULD ADAPT TECHNOLOGIES TO THE NEEDS AND CHARACTERISTICS OF THE HOST COUNTRIES. THEY SHOULD ALSO WHERE POSSIBLE, TAKE PART IN THE DEVELOPMENT OF APPROPRIATE TECHNOLOGY IN HOST COUNTRIES.

20. TO PROMOTE EMPLOYMENT IN DEVELOPING COUNTRIES, MULTINATIONAL ENTERPRISES SHOULD, WHENEVER POSSIBLE, GIVE CONSIDERATION TO THE CONCLUSION OF CONTRACTS WITH NATIONAL ENTERPRISES FOR THE MANUFACTURE OF PARTS AND EQUIPMENT AND SHOULD

ALSO PROMOTE PROGRESSIVELY THE LOCAL PROCESSING OF RAW MATERIALS. SUCH ARRANGEMENTS SHOULD NOT BE USED BY MULTINATIONAL ENTERPRISES TO AVOID THE RESPONSIBILITIES EMBODIED IN THE UNCLASSIFIED

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PRINCIPLES OF THIS DECLARATION.

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EQUALITY OF OPPORTUNITY AND TREATMENT

21. ALL GOVERNMENTS SHOULD PURSUE POLICIES DESIGNED TO PROMOTE EQUALITY OF OPPORTUNITY AND TREATMENT IN EMPLOYMENT, WITH A VIEW TO EMINATING ANY DISCRIMINATION BASED ON RACE, COLOR, SEX, RELIGION, POLITICAL OPINION, ANT NATIONAL EXTRACTION OR SOCIAL ORIGIN.

22. MULTINATIONAL ENTERPRISES SHOULD BE GUIDED BY THIS GENERAL PRINCIPLE THROUGHOUT THEIR OPERATIONS WITHOUT PREJUCIDE TO THE MEASURES ENVISAGED IN PARAGRAPH 18 OR TO GOVERNMENT POLICIES DESIGNED TO CORRECT HISTORICAL PATTERSON OF DISCRIMINATION AND THEREBY TO EXTEND EQUALITY OF OPPORTUNITY AND TREATMENT IN EMPLOYMENT. MULTINATIONAL ENTERPRISES SHOULD ACCORDINGLY MAKE QUALIFICATIONS, SKILL AND EXPERIENCE THE BASIS FOR THE RECRUITMENT, PLACEMENT, TRAINING AND ADVANCEMENT OF THEIR STAFF AT ALL LEVELS.

23. GOVERNMENTS SHOULD NEVER REQUIRE OR ENCOURAGE MULTINATIONAL UNCLASSIFIED

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ENTERPRISES TO DISCRIMINATE ON ANY OF THE GROUND MENTIONED IN PARAGFRAPH 21, AND CONTINUING GUIDANCE FROM GOVERNMENTS, WHERE APPROPRIATE, ON THE AVOIDANCE OF SUCH DISCRIMINATION IN EMPLOYMENT IS TO BE WELCOMED.

SECURITY OF EMPLOYMENT

24. GOVERNMENTS SHOULD CAREFULLY STUDY THE IMPACT OF MULTINATIONAL ENTERPRISES ON EMPLOYMENT IN DIFFERENCE INDISTRIAL SECTORS. GOVERNMENTS, AS WELL AS MULTINATIONAL ENTERPRISES THEMSELVES, IN ALL COUNTRIES SHOULD TAKE SUITABLE MEASURES TO DEAL WITH THE EMPLOYMENT AND LABOR MAREKT IMPACTS OF THE OPERATIONS OF MULTINATIONAL ENTERPRISES.

25. MULTINATIONAL ENTERPRISES EQUALLY WITH NATIONAL ENTERPRISES, THROUGH ACTIVE MANPOWER PLANNING SHOULD ENDEAVOR TO PROVIDE STABLE EMPLOYMENT FOR THEIR EMPLOYEES AND SHOULD OBSERVE FREELY-NEGOTIATED OBLIGATIONS CONCERNING EMPLOYMENT STABILITY AND SOCIAL SECURITY. IN VIEW OF THEIR GREATER FLEXIBILITY IN COMPARISON WITH NATIONAL ENTERPRISES, MULTINATIONAL ENTERPRISES SHOULD STRIVE TO ASSUME A LEADING ROLE IN PROMOTING SECURITY OF EMPLOYMENT, PARTICULARLY IN COUNTRIES WHERE THE DISCONTINUATION OF OPERATIONS IS LIKELY TO ACCENTUATE LONGTERM UNEMPLOYMENT.

26. IN CONSIDERING CHANGES IN OPERATIONS (INCLUDING THOSE RESULTING FROM MERGERS, TAKE-OVERS OR TRANSFERS OF PRODUCTION) WHICH WOULD HAVE MAJOR EMPLOYMENT EFFECTS, MULTINATIONAL ENTERPRISES SHOULD PROVIDE REASONABLE NOTICE OF SUCH CHANGES TO THE APPROPRIATE GOVERNMENT AUTHORITIES AND REPRESENTATIVES OF THE WORKERS IN THEIR EMPLOYMENT SO THAT THE IMPLACTIONS MAY BE EXAMINED JOINTLY IN ORDER TO MITIGATE ADVERSE EFFECTS TO THE GREATES POSSIBLE EXTENT. THIS IS PARTICULARLY IMPORTANT IN THE CASE OF THE CLOSURE OF AN ENTITY INVOLVING COLLECTIVE LAY-OFFS OR DISMISSALS.

27. MULTINATIONAL ENTERPRISES SHOULDD AVOID ARBITRARY DISMISSAL
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PROCEDURES.

28. GOVERNMENTS IN CO-OPERATION WITH MULTINATIONAL AS WELL AS NATIONAL ENTERPRISES SHOULD PROVIDE SOME FORM OF INCOME PROTECTION FOR WOERKERS WHOSE EMPLOYMENT HAS BEEN TRAMINATED.

TRAINING

29. GOVERNMENTS, IN CO-OPERATION WITH ALL THE PARTIES CONCERNED, SHOULD DEVELOP NATIONAL POLICIES FOR VOCATIONAL TRAINING AND GUIDANCE, CLOSELY LINKED WITH EMPLOYMENT. THIS IS THE FRAMEWORL WITHIN WHICH MULTINATIONAL ENTERPRISES SHOULD PURSUE THEIR TRAINING POLICIES.

30. IN THEIR OPERATIONS, MULTINATIONAL ENTERPRISES SHOULD ENSURE THAT RELEVANT TRAINING IS PROVIDED FOR ALL LEVELS OF THEIR EMPLOYEES IN THE HOST COUNTRY, AS APPROPRIATE TO MEET THE NEEDS OF THE ENTERPRISE AS WELL AS THE DEVELOPMENT POLICIES OF THE COUNTRY. SUCH TRAINING SHOULD BE AS BROADLY BASED AS POSSIBLE IN ORDER TO DEVELOP GENERALLY USEFUL SKILLS AND TO PROMOTE CAREER OPPORTUNITIES. THIS RESPONSIBILITY SHOULD BE CARRIED OUT, WHERE APPROPRIATE, IN CO-OPERATION WITH THE AUTHORITIES OF THE COUNTRY, THE EMPLOYERS AND WORKERS AND THEIR RESPECTIVE ORGANIZATIONS AND OTHER INSTITUTIONS CONCERNED, WHETHER LOCAL, NATIONAL OR INTERNATIONAL.

31. MULTINATIONAL ENTERPRISES OPERATING IN DEVELOPING COUNTRIES SHOULD PARTICIPATE, ALONG WITH NATIONAL ENTERPRISES, IN PROGRAMS, INCLUDING SPECIAL FUNDS, ENCOURAGED BY HOST GOVERNMENTS AND SUPPORTED BY EMPLOYERS' AND WORKERS' ORGANIZATIONS. THESE PROGRAMMES SHOULD HAVE THE AIM OF ENCOURAGING SKILL FORMATION AND DEVELOPMENT AS WELL AS PROVIDING VOCATIONAL GUIDANCE AND SHOULD BE JOINTLY ADMINISTERED BY THE PARTIES WHICH SUPPORT THEM. WHEREEVER PRACTICABLE, MULTINATIONAL ENTERPRISES SHOULD MAKE THE SERVICES OF SKILLED RESOURCE PERSONNEL AVAILABLE TO HELP IN
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TRAINING PROGRAMMES ORGANIZED BY GOVERNMENTS, AS PART OF A CONTRIBUTION TO NATIONAL DEVELOPMENT..

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32. MULTINATIONAL ENTERPRISES, WITH THE CO-OPERATION OF GOVERNMENTS AND TO THE EXTENT CONSISTENT WITH THE EFFICIENT OPERATION OF THE ENTERPRISE, SHOULD AFFORD OPPORTUNITIES TO

BROADEN THE EXPERIENCE OF LOCAL MANAGEMENT WITHIN THE ENTERPRISE AS A WHOLE.

CONDITIONS OF WORK AND LIFE

WAGES, BENEFITS AND CONDITIONS OF WORK

33. WAGES, BENEFITS AND CONDITIONS OF WORK OFFERED BY MULTINATIONAL ENTERPRISES SHOULD BE NOT LESS FAVOURABLE TO THE WORKERS THAN THOSE OFFERED BY COMPARABLE EMPLOYERS.

34. WHEN MULTINATIONAL ENTERPRISES OPERATE IN DEVELOPING COUNTRIES, WHEN COMPARABLE EMPLOYERS MAY NOT EXIST, THEY SHOULD PROVIDE THE BEST POSSIBLE WAGES, BENEFITS AND CONDITIONS OF WORK, WITHIN THE FRAMEWORK OF GOVERNMENT POLICIES. THESE SHOULD BE RELATED TO THE ECONOMIC POSITION OF THE ENTERPRISE, BUT SHOULD BE UNCLASSIFIED

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AT LEAST ADEQUATE TO SATISFY BASIC NEEDS OF THE WORKERS AND THEIR FAMILIES. WHERE THEY PROVIDE WORKERS WITH BASIC AMENITIES SUCH AS HOUSING, MEDICAL CARE OR FOOD, THESE AMENITIES SHOULD BE OF A GOOD STANDARD.

35. GOVERNMENTS, ESPECIALLY IN DEVELOPING COUNTRIES, SHOULD ENDEAVOUR TO ADOPT SUITABLE MEASURES TO ENSURE THAT LOWER INCOME GROUPS AND LESS-DEVELOPED AREAS BENEFIT AS MUCH AS POSSIBLE FROM THE ACTIVITIES OF MULTINATIONAL ENTERPRISES.

SAFETY AND HEALTH

36. GOVERNMENTS SHOULD ENSURE THAT BOTH MULTINATIONAL AND NATIONAL ENTERPRISES PROVIDE ADEQUATE SAFETY AND HEALTH STANDARDS FOR THEIR EMPLOYEES. THOSE GOVERNMENTS WHICH HAVE NOT YET RATIFIED THE ILO CONVENTIONS ON GUARDING OF MACHINERY (NO. 119), IONISING RADIATION (NO. 115), BENZENE (NO. 136) AND OCCUPATIONAL CANCER (NO. 139) ARE URGED NEVERTHELESS TO APPLY TO THE GREATEST EXTENT POSSIBLE THE PRINCIPLES EMBODIED IN THESE CONVENTIONS AND IN THEIR RELATED RECOMMENDATIONS (NOS. 118, 114, 144 AND 147). THE CODES OF PRACTICE AND GUIDES IN THE CURRENT LIST OF ILO PUBLICATIONS ON OCCUPATIONAL SAFETY AND HEALTH SHOULD ALSO BE TAKEN INTO ACCOUNT.

37. MULTINATIONAL ENTERPRISES SHOULD MAINTAIN THE HIGHEST STANDARD OF SAFETY AND HEALTH IN CONFORMITY WITH NATIONAL REQUIREMENTS, BEARING IN MIND THEIR RELEVANT EXPERIENCE WITHIN THE ENTERPRISE AS A WHOLE, INCLUDING ANY KNOWLEDGE OF SPECIAL HAZARDS. THEY SHOULD ALSO MAKE KNOWN TO THE COMPETENT AUTHORITIES AND TO THE WORKERS IN THE ENTERPRISE OR THEIR ORGANISATIONS AND THE EMPLOYERS' ORGANISATIONS IN ALL COUNTRIES IN WHICH THEY OPERATE THE SAFETY AND HEALTH STANDARDS RELEVANT TO THEIR LOCAL OPERATIONS, WHICH THEY OBSERVE IN OTHER COUNTRIES. THEY, LIKE COMPARABLE DOMESTIC ENTERPRISES,

SHOULD BE EXPECTED TO PLAY A LEADING ROLE IN THE EXAMINATION OF
CAUSES OF INDUSTRIAL SAFETY AND HEALTH HAZARDS AND IN THE
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APPLICATION OF RESULTING IMPROVEMENTS WITHIN THE ENTERPRISE
AS A WHOLE.

38. MULTINATIONAL ENTERPRISES SHOULD SUPPORT THE WORK OF
INTERNATIONAL ORGANISATIONS CONCERNED WITH THE PREPARATION AND
ADOPTION OF INTERNATIONAL SAFETY AND HEALTH STANDARDS.

39. IN ACCORDANCE WITH NATIONAL PRACTICE, MULTINATIONAL
ENTERPRISES SHOULD CO-OPERATE FULLY WITH THE COMPETENT SAFETY
AND HEALTH AUTHORITIES, THE REPRESENTATIVES OF THE WORKERS OR THEIR
ORGANISATIONS, AND ESTABLISHED SAFETY AND HEALTH ORGANISATIONS.
WHERE APPROPRIATE, MATTERS RELATING TO SAFETY AND HEALTH SHOULD
BE INCORPORATED IN AGREEMENTS WITH WORKERS OR THEIR ORGANISATIONS.

INDUSTRIAL RELATIONS

40. MULTINATIONAL ENTERPRISES SHOULD OBSERVE STANDARDS OF
INDUSTRIAL RELATIONS NOT LESS FAVOURABLE THAN THOSE OBSERVED BY
COMPARABLE EMPLOYERS IN THE HOST COUNTRY.

FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANISE

41. WORKERS EMPLOYED BY MULTINATIONAL ENTERPRISES AS WELL AS
THOSE EMPLOYED BY NATIONAL ENTERPRISES SHOULD, WITHOUT DISTINCTION
WHATSOEVER, HAVE THE RIGHT TO ESTABLISH AND, SUBJECT ONLY TO THE
RULES OF THE ORGANISATION CONCERNED, TO JOIN ORGANISATIONS OF
THEIR OWN CHOOSING WITHOUT PREVIOUS AUTHORISATION. THEY SHOULD
ALSO ENJOY ADEQUATE PROTECTION AGAINST ACTS OF ANTI-UNION
DISCRIMINATION IN RESPECT OF THEIR EMPLOYMENT.

42. ORGANISATIONS REPRESENTING MULTINATIONAL ENTERPRISES OR
THE WORKERS IN THEIR EMPLOYMENT SHOULD ENJOY ADEQUATE PROTECTION
AGAINST ANY ACTS OF INTERFERENCE BY EACH OTHER OR EACH OTHER'S
AGENTS OR MEMBERS IN THEIR ESTABLISHMENT, FUNCTIONING OR ADMINISTRATION.

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43. WHERE APPROPRIATE IN THE LOCAL CIRCUMSTANCES, MULTINATIONAL
ENTERPRISES SHOULD SUPPORT REPRESENTATIVE EMPLOYERS' ORGANISATIONS.

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44. ORGANISATIONS REPRESENTING MULTINATIONAL ENTERPRISES OR THE WORKERS IN THEIR EMPLOYMENT SHOULD HAVE THE RIGHT TO ESTABLISH AND JOIN FEDERATIONS AND CONFEDERATIONS AND ANY SUCH ORGANISATION, FEDERATION OR CONFEDERATION SHOULD HAVE THE RIGHT TO AFFILIATE WITH INTERNATIONAL ORGANISATIONS OF WORKERS AND EMPLOYERS.

45. WHERE GOVERNMENTS OF HOST COUNTRIES OFFER SPECIAL INCENTIVES TO ATTRACT FOREIGN INVESTMENT, THESE INCENTIVES SHOULD NOT INCLUDE ANY LIMITATION OF THE WORKERS' FREEDOM OF ASSOCIATION OR THE RIGHT TO ORGANISE AND BARGAIN COLLECTIVELY.

46. WITHOUT PREJUDICE TO THE NORMAL FUNCTIONING OF THEIR OPERATIONS, MULTINATIONAL ENTERPRISES SHOULD NOT HINDER REPRESENTATIVES OF THE WORKERS EMPLOYED BY DIFFERENT AFFILIATES OF THE SAME MULTINATIONAL ENTERPRISE FROM MEETING FOR CONSULTATION AND EXCHANGE OF VIEWS AMONG THEMSELVES.

47. GOVERNMENTS SHOULD NOT RESTRICT THE ENTRY OF REPRESENTATIVES
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OF EMPLOYERS' AND WORKERS' ORGANISATIONS, AS SUCH, WHO COME FROM OTHER COUNTRIES AT THE INVITATION OF THE LOCAL OR NATIONAL ORGANISATIONS CONCERNED FOR THE PURPOSE OF CONSULTATION ON MATTERS OF MUTUAL CONCERN.

COLLECTIVE BARGAINING

48. WORKERS EMPLOYED BY MULTINATIONAL ENTERPRISES SHOULD HAVE THE RIGHT, IN ACCORDANCE WITH NATIONAL LAW AND PRACTICE, TO HAVE REPRESENTATIVE ORGANISATIONS OF THEIR OWN CHOOSING RECOGNISED FOR THE PURPOSE OF COLLECTIVE BARGAINING.

49. MEASURES APPROPRIATE TO NATIONAL CONDITIONS SHOULD BE TAKEN, WHERE NECESSARY, TO ENCOURAGE AND PROMOTE THE FULL DEV-

ELOPMENT AND UTILISATION OF MCHINERY FOR VOLUNTARY NEGOTIATION BETWEEN EMPLOYERS OR EMPLOYERS'ORGANISATIONS AND WORKERS' ORGANISATIONS, WITH AVIEW TO THE REGULATION OF TERMS AND CONDITIONS OF EMPLOYMENT BY MEANS OF COLLECTIVE AGREEMENTS.

50. MULTINATIONAL ENTERPRISES SHOULD PROVIDE WORKERS' REPR-ESENTATIVES WITH SUCH FACILITIES AS MAY BE NECESSARY TO ASSIST THEM IN THEIR DEVELOPMENT OF EFFECTIVE COLLECTIVE AGREEMENTS.

51. MULTINATIONAL ENTERPRISES SHOULD ENABLE AUTHORISED REPRES-ENTATIVES OF THE WORKERES IN EACH OF THE COUNTRIES IN WHICH THEY OPERATE TO CONDUCT NEGOTIATIONS WITH REPRESENTATIVES FO MANAGEMENT WHO ARE AUTHORISED TO TAKE DECISIONS ON THE MATTERS UNDER NEGOTIATION.

52. MULTINATIONAL ENTERPRISES, IN THE CONTEXT OF BONA FIDE NEGOTIATIONS WITH THE WORKERS' REPRESENTATIVES ON CONDITIONS OF EMPLOYMENT, OR WHILE WORKERS ARE EXERCISING THE RIGHT TO ORGANISE, SHOULD NOT THREATEN TO UTILISE A CAPACITY TO TRANSFER THE WHOLE OR PART OF AN OPERATING UNIT FROM THE COUNTRY CONCERNED IN ORDER TO INFLUENCE UNFAIRLY THOSE NEGOTIATIONS OR TH HINDER THE EXERCISE OF THE RIGHT TO ORGANISE; NOR SHOULD THEY UNCLASSIFIED

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TRANSFER WORKERS FROM AFFILIATES IN FOREIGN COUNTRIES WITH A VIEW TO UNDERMINING BONA FIDE NEGOTIATIONS WITH WORKERS' REP-RESENTATIVES OR THE WORKERS' EXERCISE OF THEIR RIGHT TO ORGANISE. BONA FIDE NEGOTIATIONS MAY OR MAY NOT INCLUDE LABOUR DISPUTES AS PART OF THE PROCESS OF NEGOTIATION, DEPENDING UPON NATIONAL LAW AND PRACTICE.

53. COLLECTIVE AGREEMENTS SHOULD INCLUDE PROVISIONS FOR THE SETTLEMENT OF DISPUTES ARISING OVER THEIR INTERPRETATION AND APPLICATION AND FOR ENSURING MUTUALLY RESPECTED RIGHTS AND RESPONSIBILITIES.

54. MULTINATIONAL ENTERPRISES SHOULD PROVIDE WORKERS' REPRES-ENTATIVES WITH INFORMATION REQUIRES FOR MEANINGFUL NEGOTIATIONS WITH THE ENTITY INVOLVED, AND WHERE THIS ACCORDS WITH LOCAL LAW AND PRACTICE, SHOULD ALSO PROVIDE INFORMATION TO ENABLE THEM TO OBTAIN A TRUE AND FAIR VIEW OF THE PERFORMANCE OF THE ENTITY OR, WHERE APPROPRIATE, OF THE ENTERPRISE AS A WHOLE.

55. GOVERNMENTS SHOULD SUPPLY TO THE REPRESENTATIVES OF WORKERS' ORGANISATIONS ON REQUEST, WHERE LAW AND PRACTICE SO PERMIT, INFOMATION ON THE INDUSTRY IN WHICH THE ENTERPRISE IS LOCATED, WHICH WOULD HELP IN LAYING DOWN OBJECTIVE CRITERIA IN THE COLL-ECTIVE BARGAINING PROCESS. IN THIS CONTEXT, MULTINATIONAL AS WELL AS NATIONAL ENTER PRISES SHOULD RESPOND CONSTRUCTIVELY TO REQUESTS BY GOVERNMENTS FOR RELEVANT INFORMATION ON THEIR OPERATIONS.

CONSULTATION

56. IN MULTINATIONAL AS WELL AS IN NATIONAL ENTERPRISES, SYSTEMS DEvised BY MUTUAL AGREEMENT BETWEEN EMPLOYERS AND WORKERS AND THEIR REPRESENTATIVES SHOULD PROVIDE, IN ACCORDANCE WITH NATIONAL LAW AND PRACTICE, FOR REGULAR CONSULTATION ON MATTERS OF MUTUAL CONCERN. SUCH CONSULTATION SHOULD NOT BE A SUBSTITUTE FOR

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COLLECTIVE BARGAINING.

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EXAMINATION OF GRIEVANCES

57. MULTINATIONAL AS WELL AS NATIONAL ENTERPRISES SHOULD RESPECT THE RIGHT OF THE WORKERS WHOM THEY EMPLOY TO HAVE ALL THEIR GRIEVANCES PROCESSED IN A MANNER CONSISTENT WITH PROVISIONS IN THE TWO SUBPARAGRAPHS BELOW; THIS IS PARTICULARLY IMPORTANT WHENEVER THE MULTINATIONAL ENTERPRISES OPERATE IN COUNTRIES WHICH DO NOT ABIDE BY THE PRINCIPLES OF ILO CONVENTIONS PERTAINING TO FREEDOM OF ASSOCIATION, TO THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY AND TO FORCED LABOR:

(I) ANY WORKER WHO, ACTING INDIVIDUALLY OR JOINTLY WITH OTHER WORKERS, CONSIDERS THAT HE HAS GROUNDS FOR A GRIEVANCE SHOULD HAVE THE RIGHT TO SUBMIT SUCH GRIEVANCE WITHOUT SUFFERING ANY PREJUDICE WHATSOEVER AS A RESULT, AND TO HAVE SUCH GRIEVANCE EXAMINED PURSUANT TO AN APPROPRIATE PROCEDURE;

(II) WORKERS' ORGANIZATIONS OR THE REPRESENTATIVES OF THE
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WORKERS IN THE UNDERTAKING SHOULD BE ASSOCIATED, WITH
EQUAL RIGHTS AND RESPONSIBILITIES, WITH THE EMPLOYERS
OR THEIR ORGANIZATIONS, PREFERABLY BY WAY OF AGREEMENT,
IN THE ESTABLISHMENT AND IMPLEMENTATION OF GRIEVANCE
PROCEDURES WITHIN THE UNDERTAKING, IN CONFORMITY WITH
NATIONAL LAW OR PRACTICE.

SETTLEMENT OF INDUSTRIAL DISPUTES

58. MULTINATIONAL AS WELL AS NATIONAL ENTERPRISES JOINTLY WITH
THEIR WORKERS AND THEIR REPRESENTATIVES AND ORGANIZATIONS SHOULD
SEEK TO ESTABLISH VOLUNTARY CONSILIATION MACHINERY, APPROPRIATE
TO NATIONAL CONDITIONS, WHICH MAY INCLUDE PROVISIONS FOR VOLUNTARY
ARBITRATION, TO ASSIST IN THE PREVENTION AND SETTLEMENT OF
INDUSTRIAL DISPUTES BETWEEN EMPLOYERS AND WORKERS. THE
VOLUNTARY CONSILIATION MACHINERY SHOULD INCLUDE EQUAL
REPRESENTATION OF EMPLOYERS AND WORKERS.

(FOOTNOTES THROUGHOUT THE TEXT TO VARIOUS ILO CONVENTIONS AND
RECOMMENDATIONS HAVE BEEN OMITTED.) END TEXT SORENSON

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